

REMARKS/ARGUMENTS

Claim Amendments

Claims 48, 60 and 71 have been amended. Accordingly, claims 48-81 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 48-50, 52-56, 58-62, 64-67, 69-73, 75-81 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fishman et al. U. S. Patent Publication 2002/0103935 (hereinafter, Fishman). The Applicant respectfully traverses the rejection of these claims.

The Applicant has amended independent claims 48, 60 and 71 to clarify the language of the claims. The limitations now specify that the first entity invokes the gateway controller and the second path is a separate path between the first entity and the gateway controller. The Applicant respectfully submits that the Fishman reference does not disclose, teach or suggest the use of separate paths for 1) invoking a gateway controller and for 2) sending streaming data managed by the gateway controller to the first entity.

The controller of the Applicant's present invention is accessed by one path as is now stated in the amended independent claims, and the data is transferred via a different path, a data path. The gateway controller of the Applicant's present invention manages gateway functions to decide which available format to use to convert a media stream for use by a requesting receiving entity. These features are not disclosed in the Fishman reference.

These limitations, as emphasized in claim 48, are lacking in the Fishman reference and claim 48 is now distinguishable from Fishman. Analogous limitations are recited in claims 60 and 71. Thus, claims 48, 60 and 71 and all claims dependent therefrom: 49-50, 52-56, 58-59, 61-62, 64-67, 69-70, 72-73 and 75-81 are

distinguishable from the Fishman reference and a withdrawal of the rejection of these claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 51, 57, 63, 68, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fishman in view of Galensky, et al. (US Patent No. 6,845,398). The Applicant respectfully traverses the rejection of these claims.

The Galensky reference was cited for teaching a wireless device system and method for receiving and playing multimedia files from a multimedia server using the GSM system. It is respectfully submitted that the Galensky reference does not address the above-identified deficiencies of Fishman with respect to the Applicant's invention. This being the case, the Applicant respectfully requests the withdrawal of the rejection of claims 51, 57, 63, 68 and 74.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted.



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